

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Rulemaking for the Purpose of Revising Certain  
Rules of Practice and Procedure to Implement  
Public Utilities Code Section 1708.5 (Petitions for  
Rulemaking).

Rulemaking 02-06-040  
(Filed June 27, 2002)

**DECISION CLOSING PROCEEDING****1. Summary**

This decision closes the above proceeding based on the Commission's approval of a new Article 3.5 of the Commission Rules of Practice and Procedure (Rules), regarding rulemaking in general, and a new Rule 14.7 regarding petitions to adopt, amend, or repeal a regulation in Decision (D.) 03-03-020. Since the Commission has adopted these Rule changes, there is no need for this proceeding to remain open.

**2. Background**

On June 27, 2002, the Commission adopted an Order Instituting Rulemaking, which proposed a new Rule 14.7 regarding petitions to amend, adopt, or repeal a regulation pursuant to Section 1708.5,<sup>1</sup> to be included in a new Article 3.5 regarding rulemaking in general. Rule 14.7 responded to the

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<sup>1</sup> All Code references are to the Public Utilities Code, unless otherwise stated.

requirement of Section 1708.5 that the Commission amend its Rules to provide specific procedures for handling such petitions.

Following a lengthy notice and comment process and the requisite review by the Office of Administrative Law, the Commission adopted D.03-03-020, which added new Article 3.5 and Rule 14.7 to the Rules, on March 13, 2003. However, D.03-03-020 did not close this proceeding.

### **3. Discussion**

Since the Commission has approved the addition of a new Article 3.5 and a new Rule 14.7 to the Rules, and there are no remaining issues to be addressed in this docket, this proceeding should be closed. If the Commission wishes to consider additions to Article 3.5 or amendments to Rule 14.7 in the future, it may do so in a new docket.

### **4. Waiver of Comment Period**

Since the Commission has provided for public review and comment on this rulemaking pursuant to the Administrative Procedure Act, the otherwise applicable 30-day period for public review and comment under our Rules is waived pursuant to Rule 77.7(f)(8).

### **5. Assignment of Proceeding**

Loretta M. Lynch is the Assigned Commissioner and Myra J. Prestidge is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. On March 13, 2003, the Commission adopted D.03-03-020, which approved the addition of a new Article 3.5, regarding rulemaking in general, and a new Rule 14.7, regarding petitions to adopt, amend, or repeal a regulation, to the Rules.

2. Since the proposed adoption of new Article 3.5 and Rule 14.7 was the only issue to be addressed in this proceeding, there is no need for this docket to remain open.

3. If the Commission wishes to consider further additions to Article 3.5 or amendments to Rule 14.7 in the future, it may do so in a separate docket.

**Conclusion of Law**

Since there are no remaining issues to be considered by the Commission in this docket, it is unnecessary for this proceeding to remain open.

**O R D E R**

**IT IS ORDERED** that Rulemaking 02-06-040 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.